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**IN THE SUPREME COURT  
STATE OF ARIZONA**

In the Matter of:	)	
	)	Supreme Court No. R-19-0031
	)	
PETITION TO AMEND	)	
RULE 45(a)(2) and (b)(1)	)	Comment to Petition to Amend
	)	Rule 45(a)(2) and (b)(1)
	)	
	)	
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Pursuant to Rule 28(D), Rules of the Supreme Court, Craig Sullivan, Executive Director, County Supervisors Association of Arizona, respectfully submits this Comment for the Court's consideration.

The County Supervisors Association (CSA) is submitting this comment in opposition of the proposed change to Rule 45 of the Arizona Rules of Civil Procedure. CSA represents county supervisors from Arizona's fifteen counties, all of whom contribute directly to the funding of Arizona's judicial system. As written, the proposal would allow attorneys in civil cases to issue their own subpoenas, bypassing the current system where the Clerk of the Court issues subpoenas and collects the statutorily required \$30 subpoena fee.

Statute currently distributes this fee to over 10 different projects and funds including the Judicial Collections Enhancement Fund (JCEF) and the Elected Officials Retirement Plan (EORP). Any rule change that impacts the recipients of these funds should provide an alternative funding source.

If the rule change were adopted, counties would see both a reduction in revenues from the fee and an increase in costs. In fiscal year 2018, the fee put more than \$1 million into the system and was distributed to counties in the following manner:

**Counties with a population over 500K:**

- 7.02% County Law Library Fund
- 28.81% County General Fund

**Counties with a population under 500K:**

- 14.09% County Law Library
- 29.56% County General Fund

Additionally, 27.91% (urban counties) and 20.09% (rural counties) of this fee is deposited into the EORP, which reduces the employer contributions required to fund the retirement system for judges and elected officials. Counties also pay fees into the JCEF, which receives 17.62% of the civil subpoena fee. Any reduction in the payment of this fee would likely result in an increase of the other fees counties are required to pay into the JCEF.

If there is an issue with access, it is our understanding that the Arizona State Bar Association provides a simple online subpoena service available 24 hours a day for attorneys to issue subpoenas and pay the fee at <https://www.myazbar.org/subpoenas/index.cfm>.

In closing, we request that the proposed rule be denied. Thank you for your consideration.

RESPECTFULLY SUBMITTED this 22<sup>nd</sup> day of April, 2019.

By /S/  
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